



COUNTY OF SAN LUIS OBISPO
Department of Agriculture/Masurement Standards

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SAN LUIS OBISPO COUNTY
PESTICIDE USE ENFORCEMENT PROGRAM

Work Plan for 2007/2008

Mission Statement

To protect people, the environment and the food supply by ensuring the safe use of pesticides in San Luis Obispo County.

October 2007

**SAN LUIS OBISPO COUNTY
PESTICIDE USE ENFORCEMENT PROGRAM
FISCAL YEAR 2007/2008 WORK PLAN OUTLINE**

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I COUNTY RESOURCES

A. Staff Positions

- 1 Deputy Ag. Commissioner
- 9 Inspector Biologists
 - 7 full time
 - 2 part time @ 50%
- 4 Technicians part time (~1.5 staff years)
- 3 Clerical staff part time (~1 staff year)
 - One Administrative Assistant per office

B. Staff Time (includes management, supervision, inspection, technician and clerical hours) Full Time Equivalent (FTE) per Fiscal Year (FY)

- Historical
 - FY 02/03 11.2 FTE
 - FY 03/04 11.8 FTE
 - FY 04/05 9.6 FTE
 - FY 05/06 9.4 FTE
 - FY 06/07 9.8 FTE
- Projection
 - FY 07/08 9.8 FTE

C. Assets

- All Pesticide Use Enforcement (PUE) Inspectors have vehicles available for their use; assigned or shared out of the department vehicle pool.
- Each Inspector/Biologist has a computer workstation at their desk.
- There are three offices: Templeton, San Luis Obispo and Arroyo Grande. Each office has a permit issuance room or area.
- We have invested in the RMMS Computer Data Base Program and are utilizing web-based applications for pesticide use reporting.
- We are testing one Automated & Inspection Reporting System tablet and will budget for additional tablets.

II RESTRICTED MATERIALS PERMIT ISSUANCE

A. Annual Permit Issuance Statistics (including Operator Identification Numbers)

- Average number of restricted materials permits issued ~ 635 permits
- Private applicators certified ~ 300
- Average number of operator identification numbers (OINs) issued ~ 340 OINs
- Total number of active permits and OINs (including multiyear) ~ 1,323
- Total number of agricultural sites ~ 3,525
- Notices of intents (NOIs) ~ 5,900 NOIs
- Registrants
 - # Pest Control Advisors ~ 120
 - # Pest Control Businesses ~ 130
 - # Farm Labor Contractors ~ 90
 - # Structural Pest Control Operators ~ 60

B. Local Conditions

- Significant crops grown by region
 - Northern: wine grapes, grain, and rangeland
 - Central/Coastal: wine grapes, specialty crops (sugar peas, Chinese vegetables, tomatoes) avocados, and citrus
 - Southern/South Eastern: row crops (including broccoli, bell peppers, cauliflower, carrots, vegetable transplants, lettuce, etc...), nursery cut flowers and indoor decoratives, strawberries and fruit trees
- Sensitive and high profile sites defined as:
 - People and occupied structures near fumigation sites
 - Locations with a history of neighbor complaints
 - Locations at the Ag/Urban interface
 - Schools and day cares within 500 feet of an agricultural operation
 - Water ways (dependent on aquatic toxicity of pesticides)
 - Sensitive crops (dependent on phytotoxicity of pesticides)
 - Endangered species habitats
 - Other (as identified)
- Workload Trends:
 - Increased regulations for all field fumigants and other pesticides that are considered toxic air contaminants.
 - Increased regulations for ground and surface water protection.
 - Increases in fumigated acreage for crops such as strawberries, peppers and nursery stock.
 - Media attention and public concern about pesticide use near urban areas requires special attention to sites where there is a history of complaints.
 - Increases in the number of sites with an agriculture/urban interface.
 - Response to pesticides found as a result of Agricultural Waiver water monitoring. Preliminary results from water monitoring show signs of pesticide contamination in local waterways.
 - Increased enforcement follow up as a result of the Enforcement Response Policy and regulation.
 - Reduction in the total number of restricted materials permits issued due to the expiration of Section 18 emergency exemptions and growers choosing to use less toxic alternatives.
 - Increased requests from the Department of Pesticide Regulations to comment on proposed changes in regulation or policy.

C. Education and Outreach

- Department representatives provide regular regulatory updates to industry groups.
- PUE Inspectors emphasize new or changing regulations during permit/OIN issuance and business registrations.
- The permit issuance themes for 2008:
 - New respiratory protection and fumigant regulations
 - Better mapping of hazards on permit maps
 - Web based use reporting
 - Red Legged Frog Court Injunction

D. Permit Review Process

- Site Evaluation Process – Inspectors issue permits/OINs on a district basis. Photo Mapper, a computerized aerial photograph program, is utilized to map and identify environmental hazards at each use site. Inspectors visit sites depending on level of pesticide hazard and the sensitivity of the proposed site. All requests for restricted fumigants are verified and monitored closely. The

district approach allows for consistent customer service, familiarity with potential hazards and knowledge of established agricultural practices within assigned regions.

- In response to the Grand Jury and Health Commission Pesticide Task Force recommendation, we have formalized a process to update the schools/daycare GIS map layer on an annual basis. This mapping layer is utilized during permit issuance to condition the use of restricted materials near school sites.
- Restricted Material Permitting and Review Process – Each year restricted use permit conditions and issuance handouts are updated to clarify and improve existing permit conditions, incorporate new and/or updated regulations, policies and new permit conditions. During this process areas of focus or concern for the coming permit issuance season are identified.
- The quality of permit/OINs is monitored by random spot checks conducted by the program Deputy, Enforcement Branch Liaison (EBL), and peer review.
- Participation in the Southern California Pesticide Deputy group's quarterly meeting provides opportunity to discuss and compare county programs, and to share insights into current issues and challenges.
- We coordinate the Central Coast Pesticide Use Enforcement Roundtable meeting twice a year. This meeting includes participation of staff from six coastal counties and representatives from the Department of Pesticide Regulation (DPR). The primary focus is to discuss fumigant and pesticide use issues that are of concern in the coastal counties.

E. Permit Issuance Improvement Goals

- Improve documentation of hazards on permit maps.
- Dedicate time and resources to assist grower in identifying Red Legged Frog (RLF) habitat and to inform growers and professional applicators about the RLF court injunction restricting pesticide use within RLF habitat.
- Dedicate time and resources to track and respond to Ag. Waiver pesticide water contamination issues.

F. Expected Results

- Better documentation of hazards on maps.
- Increase awareness of the RLF court injunction requirements.
- Increased knowledge of Ag. Waiver water monitoring results to help identify the source of pesticide contamination. Better protection of water from pesticide contamination.

G. Measures/Assessment

- Permit/OIN maps updated during issuance with accurate and current hazards identified. (Yes or No)
- Growers make informed decisions about pesticide application near RLF habitat. (Yes or No)
- Track pesticide water contamination issue and coordinate response with the regulated community. (Yes or No)

III COMPLIANCE MONITORING

A. INSPECTIONS

1. History of Annual Overall Compliance Rate

- FY 02/03 95.9%
- FY 03/04 96.8%
- FY 04/05 96.1%
- FY 05/06 96.7%
- FY 06/07 97.2%
- San Luis Obispo County has an overall high compliance rate. In general, violations are of a more technical nature. This is also reflected in the low number of illness investigations and drift incidents.

2. Inspection Statistics

- Historical # of inspections per year
 - ◆ FY 02/03 Ag. 600, Ag. Records 73, Structural 35 = 775
 - ◆ FY 03/04 Ag. 630, Ag. Records 140, Structural 67 = 837
 - ◆ FY 04/05 Ag. 504, Ag. Records 99, Structural 92 = 695
 - ◆ FY 05/06 Ag. 565, Ag. Records 95, Structural 53 = 766
 - ◆ FY 06/07 Ag. 389, Ag. Records 56, Structural 50 = 495
- Goal for FY 07/08: Ag. 582, Ag. Records 137, Structural 89 = 808
- Our goal for FY 07/08 has been adjusted to account for the increased level of fully trained inspectors and adjusted to accommodate the increased time required to document and justify our enforcement response. We have increased the priority level and commitment to field inspections.

3. Current Inspections Focus Strategies

- Fumigations Applications: All restricted use fumigants uses are monitored very closely. Pre-application and application inspections are conducted on fumigant applications near sensitive sites.
- Sensitive and high profile sites.
- Applicators that have never been inspected.
- Unlicensed maintenance gardeners using pesticides.
- Certified or licensed applicators at sensitive/high profile sites.
- Groundwater protection chemicals used in ground water protection areas.
- Surface water contaminants.
- Well head protection requirement compliance.
- Applicators with a history of compliance problems.
- Private applicators with employees.
- Weekend, night and off-hour surveillance of pesticide applications.

4. Distribution of Inspection Work Goals

- Annual work goals are assigned to Pesticide Use Enforcement (PUE) Inspector/Biologists and evaluated as a component of the employee's performance evaluation. Work goals take into account current cropping patterns, pesticide use trends, type of applicators, applications and hazards within assigned districts.
- PUE Inspector/Biologists participate in monthly PUE program staff meetings to share information and improve consistency.
- A workload analysis is conducted annually and utilized to adjust and better target inspection goals.
- One bilingual Inspector conducts most of the Field Worker Safety Inspections countywide.
- Bilingual staff members assist Spanish speaking clients countywide.

5. Inspection Improvement Goals

- Utilize statewide data and expand existing inspection database to improve our evaluation of compliance trends. In 07/08 the frequency of records inspections has been adjusted to achieve more reasonable level.
- Phase in Automated Inspection & Reporting System (AIRS) to decrease data entry and streamline inspections.
- Continue to improve tracking systems to ensure that we are meeting targeted inspection goals.
- Shift to a regional approach for inspection of field fumigants.

6. Expected Results

- Statistical database provides reliable information to evaluate compliance trends, and plan inspection focus.
- More efficient inspections and data management.
- Achieve inspections goals according to the work plan criteria.
- More equitable distribution of work goals, cross training, and more consistent oversight.

7. Measures/Assessment

- Database utilized to evaluate and set inspection work plan goals. (Yes or No)
- AIRS technology incorporated into the PUE program. (Yes or No)
- Inspection goals met. (Yes or No)
- Measures in place to evaluate the success of targeted inspections goals. (Yes or No)

B. INVESTIGATIONS

1. Investigative Reporting Statistics

- Historical # of Investigative and Complaint Reports per year
 - ◆ 14 Investigative Reports, five-year average
 - ◆ 48 Complaint Reports, five year average
- FY 06/07 # of Investigations and Complaint Reports
 - ◆ 9 Investigative Reports
 - ◆ 54 Complaint Reports
- All pesticide incidents and complaints are investigated, logged into a countywide Enforcement Tracking database and documented with either a written investigative or complaint report. We track the complainant, respondent, location, type of complaint, pesticides involved and violations found and submit this information to DPR on a monthly basis.

2. Current Investigation Trends

- Most of our pesticide complaints take place in the agriculture/urban interface and involve complaints of odor or drift allegations.
- Conflicting land uses demonstrate a need for sound local land use decisions in which both the agricultural use and the public's health and safety are considered and protected. Proper location of new developments with adequate buffers is essential to meet continued demand for urban growth while protecting agriculture. Our department has an active Land Use Planning program which acts as an advisor to the County Planning Department and to the Board of Supervisors.

3. Investigative Improvement Goals

- Add an internal departmental timeliness standard to complete all reports within 120 days of the date received.

4. Expected Results

- Timely submission of investigative and complaint reports.

5. Measures/Assessment

- Results of internal and external audits by the program deputy and EBL.
- Timeliness standard tracked and measured (Yes or No)

IV ENFORCEMENT RESPONSE

A. Statistical Analysis

- o Historical # of Compliance Actions per year (includes all warning letters and notices of violation)
 - FY 02/03 125
 - FY 03/04 251*
 - FY 04/05 489*
 - FY 05/06 433*
 - FY 06/07 388
 - * There has been a significant increase in the number of compliance actions due to our efforts to correct pesticide use reporting errors. We have eliminated some of the problems by utilizing the web-based use reporting program.
- o Historical # of Fine Actions closed per year
 - FY 01/02 27 Agricultural and 3 Structural = 30 total fine actions
 - FY 02/03 21 Agricultural and 0 Structural = 21 total fine actions
 - FY 03/04 21 Agricultural and 1 Structural = 22 total fines actions
 - FY 04/05 27 Agricultural and 1 Structural = 28 total fine actions
 - FY 05/06 33 Agricultural and 3 Structural = 36 total fine actions
 - FY 06/07 34 Agricultural and 4 Structural = 38 total fine actions
- o Hearing Requests
 - Historical Level = 1 or 2 per year
 - FY 06/07 = 2 hearings held

B. Current Enforcement Trends

- We have a record of meeting or exceeding the requirements outlined in DPR's Enforcement Response Policy and Regulation.
- All non-compliances are logged into the Enforcement Tracking Log database with documentation of required follow-up.
- Inspectors use the Enforcement Tracking Log to review the history of non-compliance for each respondent, and consider the potential hazard when determining the appropriate level of enforcement.
- Notices of Proposed Actions (NOPA) and Decision Reports (DR) are developed by Inspectors reviewed and approved by department management prior to sending.
- The Deputy makes a courtesy telephone call to all respondents prior to sending the NOPA.
- Other enforcement options including denying restricted materials permits, licensee registrations or involving DPR and/or the County District Attorney for the more egregious cases, are considered.
- In 06/07, implementing the Enforcement Response Policy and Regulation shifted staff time and resources out of the field. Each violation requires additional time to document, classify and justify our enforcement follow up.
- We continue to provide outreach and education to the regulated industry so that they are informed of enforcement trends and of changes in pesticide regulations and laws.

C. Enforcement Response Improvement Goals

- Continue to implement the Enforcement Response Regulation:
 - Manage the increased workload necessary to document justifications for our enforcement follow up.
 - Develop boiler plate language for reasonable justifications to streamline the Decision Report process.
 - Continue to streamline procedures to meet required deadline to process Decision Reports within 30 days.
- Continue to evaluate the impacts of implementing enforcement response regulation and provide input to DPR on the effects to our pesticide enforcement program.

D. Expected Results

- Implement Enforcement Response Regulations.
 - Efficient timely processing of fine actions and decision reports
 - Decision Reports ready for reviewed by DPR within 30 days.
- Better information for developing statewide consistency and enforcement credibility.

E. Measures/Assessment

- Enforcement Response Regulations fully implemented. (Yes or No)
- Impact of Enforcement Response Regulation clearly communicated to DPR. (Yes or No)

V STAFF TRAINING

A. Historical Approach

- The traditional training approach has been for an experienced Inspector to mentor a Trainee for 6 months to a year. It takes an average of two years for a PUE Inspector to become independent and proficient.
- Ongoing training for staff is provided at monthly PUE staff meetings and as needed in a continuous process of feedback related to performance standards and quality checks.

- Training is provided to county staff by DPR to implement new regulations and/or changes in policies and procedures.
- The Enforcement Branch Liaison provides assistance with training on an as needed basis.
- The PUE Deputy checks-in with each Inspector at least quarterly to discuss work goals and to determine training needs.
- In FY 05/06 we evaluated our training process and developed better methods to train new PUE Inspectors, including breaking down the PUE core program elements into training modules and decentralizing the training, to take the burden off of any one staff member. In FY 06/07 we implemented a new approach for training new Inspectors.

B. Staff Training Improvement Goals

- Continue to develop and improve the PUE program training modules.
- Continue to use the modular training program with newly assigned staff.
- Offer voluntary Spanish classes to English speaking PUE Inspectors.
- To retain well trained experience staff.

C. Expected Results

- The training modules are a useful and up to date resource.
- Well-trained resourceful staff able to work independently and within the PUE program guidelines.
- Improve communication during pesticide inspections and permit issuance with Spanish speakers.
- Well-trained Inspectors with depth and experience in pesticide use enforcement.

D. Measures/Assessment

- Continue to improve the training modules for all core assignments by June 08. (Yes or No)
- The new training modules are used for new and existing staff. (Yes or No)
- PUE Inspectors utilize Spanish phrases learned through voluntarily participating in Spanish classes to better communicate with Spanish speaking clients. (Yes or No)
- Limited staff turnover. (Yes or No)

VI SPECIAL PROJECTS

- A. **Two Mill assessment fund project proposals** (If approved the project(s) will begin this fiscal year, but most of the efforts will take place in FY 08/09.)
 1. **Public Service Announcements** to Improve Maintenance Gardener Registration and Compliance
 2. **Educational Workshops** to Improve Compliance of Spanish Applicators
- B. DPR often seeks input from counties to provide comments on local and statewide impacts of proposed changes to policies, procedures, or regulations. We take this role seriously and dedicate a significant amount of time to providing input. The following list are some of the issues we are currently commenting on:
 - The impacts of the Enforcement Response Policy and Regulation
 - A technical review of the Draft Inspection Procedures Manual
 - Participation in reviewing the Draft Fumigant Regulations